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PATENT
Attorney Docket No.: 016325-003721US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



MARCH 28, 2005

TOWNSEND and TOWNSEND and CREW LLP

Humbly Rosa

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kenneth L. Luskey, et al.

Application No.: 10/660,112

Filed: September 10, 2003

For: USE OF (-) (3-
TRIHALOMETHYLPHENOXY) (4-
HALOPHENYL) ACETIC ACID
DERIVATIVES FOR TREATMENT OF
INSULIN RESISTANCE, TYPE 2
DIABETES, HYPERLIPIDEMIA AND
HYPERURICEMIA

Examiner: Cook, Rebecca

Art Unit: 1614

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the U.S. Patent references (Ref. Nos. 1-22) are not enclosed herewith. In accordance with 37 CFR §1.98(d), copies of Reference Nos. 23-26 and 31-96 can be found in Application No. 09/703,487, filed Oct. 31, 2000 (now U.S. Pat. No. 6,646,004, issued Nov. 11, 2003, Attorney Docket No. 016325-003720US), and Application No. 09/325,997, filed June 4, 1999 (now U.S. Pat. No. 6,262,118, issued July 17, 2001, Attorney

03/31/2005 AWONDAF1 00000092 201430 10660112

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Docket No. 016325-003700US). Copies of the remaining references (Ref. Nos. 27-30) are enclosed herewith.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,


Frank J. Mycroft
Reg. No. 46,946

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60438345 v1

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known		
			Application Number	10/660,112	
			Filing Date	September 10, 2003	
			First Named Inventor	Luskey, Kenneth L.	
			Art Unit	1614	
Sheet	2	of	6	Examiner Name	Cook, Rebecca
				Attorney Docket Number	016325-003721US

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	27	GB	1,403,309		08-20-1975	Merck & Co. Inc.		<input type="checkbox"/>
	28	WO	00/74666	A2	12-14-2000	Metabolex, Inc. et al.		<input type="checkbox"/>
	29	WO	02/44113	A2	06-06-2002	Metabolex, Inc.		<input type="checkbox"/>
	30	WO	04/112774	A1	12-29-2004	Metabolex, Inc.		<input type="checkbox"/>

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known		
			Application Number	10/382,186	
			Filing Date	March 4, 2003	
			First Named Inventor	Luskey, Kenneth L.	
			Art Unit	1614	
			Examiner Name	Cook, Rebecca	
Sheet	3	of	6	Attorney Docket Number	016325-003740US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	31	ARONOW, W.S. et al., "Halofenate: An Effective Hypolipemia- and Hypouricemia-Inducing Drug," <i>Current Therapeutic Research</i> , 15:902-906 (1973)	
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	46	FELDMAN, E.B., et al. "Insulin Sensitivity in Hypertriglyceridemia: induction by combined triglyceride and uric lowering", <i>Clinical Research</i> vo. 23, No. 1, page 43A (1975)	

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Sheet	4	of	6	Attorney Docket Number	016325-003740US

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²	
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	48	FRIEDBERG, "The Control of Insulin Resistant and Refractory Type II Diabetes Mellitus by Means of Halofenate-Sulfonylurea Combined Regimen," <i>Clinical Research</i> , 34:682A (1986)		
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	63	KWITEROVICH, Jr., "State-of-the-Art Update and Review: Clinical Trials of Lipid-Lowering Agents," <i>The American Journal of Cardiology</i> , 82:3U-17U (1998)		

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	64	LeROTH, D. et al. (eds.), Diabetes Mellitus, Lippincott-Raven Publishers, Philadelphia, PA U.S.A. (1966)	
	65	LIN and LU, "Inhibition and Induction of Cytochrome P450 and the Clinical Implications, <i>Clin Pharmacokinet</i> , 35:361-390 (1998)	
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	79	SIRTORI et al., "Clinical Evaluation of MK-185: A New Hypolipidemic Drug," <i>Lipids</i> , 7:96-99 (1971)	

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	80	SKYLER, "Glucose Control in Type 2 Diabetes Mellitus," <i>Annals of Internal Medicine</i> , 127:837-838 (1997)	
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